IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1593 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRABHATSINH GHAMBHIRSHINH

Versus

1.MOHANBHAI L. PATEL & ANOTHER

Appearance:

1. Criminal Misc.Application No. 1593 of 1994

MS KJ BRAHMBHATT for Petitioner No. 1

DELETED for Petitioner No. 2

MR SUNIL C PATEL for Respondent No. 1

MR. V.M.PANCHOLI, APP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 25/08/2004

ORAL JUDGEMENT

Ms. Kalpana J Brahmbhatt, learned advocate of the petitioner seeks leave to withdraw the petition with a view to file appropriate application before the learned JMFC, Gandevi, seeking discharge from the prosecution in Criminal Case No. 2989 of 1990 which is pending against the petitioner. Mr. V.M.Pancholi, learned APP appearing on behalf of respondent No.2 State of Gujarat has no objection is leave as prayed for is granted. Hence, leave to withdraw the petition is granted. Petition stands disposed of as it is withdrawn. Rule is discharged. Interim relief granted at the time of issuance of Rule shall stand vacated.

It would be open for the petitioner to file appropriate application before the learned JMFC, Gandevi, seeking discharge from the prosecution in Criminal Case No. 2989 of 1990. If such an application is filed, the same shall be decided in accordance with law.

(A.M.Kapadia,J)

Jayanti*